

## **STATUS OF THE CLAIMS**

Claims 1, 4-9, 12-16, 24, 28, 31-33, and 55-67 are pending in the Application.

Claims 1, 4-9, 12-16, 24, 28, 31-33, and 55-67 have been rejected by the Examiner.

Claims 56-65 had been previously withdrawn, without prejudice, herein.

## **REMARKS**

Reconsideration of the present Application is respectfully requested.

### **Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 1, 4-8, 14-16, 24, and 31-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner (EP 380 727) in view of Assisi (U.S. Patent No. 5,696,488) and Gunnarsson (U.S. Patent No. 5,640,164). Claims 9, 12-13, 28, 55, and 66-67 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner, in view of Gunnarsson. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*.

Applicant respectfully submits that none of the references, either separately or in combination, teach or suggest each of the limitations of the invention. Specifically, they do not teach or suggest a memory device that is powered via a data line, as claimed in each of the independent claims of the present application. Applicant agrees with the Examiner in that neither Weiner nor Assisi teach a memory device powered via a data line (Present Office Action at page 6, first full paragraph). However, Applicant disagrees with the Examiner in the teaching of Gunnarsson. The present Office Action asserts that Gunnarsson *"discloses that data that has been transmitted from the communication unit to the terminal can be emitted to a superior system via the data line 32 (see Figure 4, col 4, lines 47-60). Hence, the memory device can be powered by this data line"* (Present Office Action at page 6, second full paragraph). Applicant points out that the communication unit contains its own power source (See Gunnarsson at Figure 2, item 11 and corresponding description at col. 4, lines 6-7). Gunnarsson does not state with any particularity what the terminal, or central unit, is, other than it updates the central system (See Gunnarsson at col. 3, lines 52-65). Based on a full reading of Gunnarsson, it appears the terminal, or central unit, is a fully operable processing unit capable of networking to communication units and databases. Regardless, there is no teaching whatsoever of either the terminal or communication unit being

powered by the data line. For that matter, simply because a device might have a data line does not mean it is powered by it. Furthermore, it should be quite obvious that the relative circuitry demands of these two devices would lead one to recognize that neither device could receive enough power via a data line to operate as described.

However, Applicant does note that the transponder, as is described elsewhere in disclosure of Gunnarsson, can be of a “reflecting type”, where no other energy is needed that what is brought to it with the microwaves emitted from the communication unit (Gunnarsson at col. 2, lines 43-50). That being said, one skilled in the art should quickly recognize that energizing the transponder via microwave radiation is not at all the same as being powered by a data line, simply because microwave radiation is not a data line, nor is it described as such in the teaching of Gunnarsson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of independent Claims 1, 9, 24, 28, 55 and 66-67, as none of cited references teach or suggest a memory device that is powered via a data line. Applicant further submits that Claims 4-8, 12-16 and 31-33 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base claim 1, 9, or 28.

Additionally, Applicant respectfully submits there is no suggestion or motivation to modify or otherwise combine the references of Weiner, Assisi and Gunnarsson. In particular, Gunnarsson discloses a system for reading data from objects *in the transportation of those objects* (Gunnarsson at col. 1, lines 20-21). The system of Gunnarsson is thus designed for the handling of goods in transport, where the transponder is attached to the good, and the communications unit collects and delivers information as between the terminal and the transponder on the good (Gunnarsson at col. 2, lines 32-42). In fact, Gunnarsson further admits that transponders can only be read at short distances, and are consequently not usable for the identification of goods in

situations such as on a loading platform or airport, where difficulties are encountered with bring the objects within reading distance of the central unit (Gunnarsson at col. 2, lines 12-18).

Applicant submits, in earnest, that the present system is precisely designed for substantially inaccessible objects and/or locations, and to memorial or dedication-type information, not to goods that readily move in transport. The present invention provides a novel system that allows a user to easily access and/or change information as needed, in a very simple manner and without disrupting the otherwise stationary location of the object itself. Therefore, the concept of a system for managing goods in transport is inapposite and not combinable at least with the systems for transferring data at fixed locations, as disclosed by Assisi or Weiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of independent Claims 1, 9, 24, 28, 55 and 66-67, as there is no suggestion or motivation to combine the cited references. Applicant further submits that Claims 4-8, 12-16 and 31-33 are similarly distinguishable over the art of record, at least by virtue of their ultimate dependency from a patentably distinct base claim 1, 9, or 28.

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**Conclusion**

Applicant respectfully requests reconsideration of the present Application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully submitted,

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